

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0729

SENATE BILL NO. 180

Introduced by: The Committee on Commerce at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to regulate unsolicited electronic commerce.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Any contract entered in response to an unsolicited facsimile or electronic mail
4 offer to sell, lease, or provide any property, good, service, or extension of credit may be
5 cancelled by the recipient within ten days of entering the contract by providing notice in writing
6 or by returning any property or goods received in substantially the same condition as received.

7 Any person who has received such notice of cancellation shall, within ten business days:

8 (1) Refund any payment made under the contract;

9 (2) Return any goods or property traded or exchanged under the contract; and

10 (3) Take all steps necessary to terminate the contract and place the parties in the same
11 positions they held prior to entering the contract.

12 No person cancelling a contract under this section is liable for money damages, specific
13 performance, or penalty arising from the contract.

